

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
TRENTON DIVISION

DIONNE GOMES,)	
)	
Plaintiff,)	Case No.:
)	
vs.)	PLAINTIFF'S COMPLAINT
)	AND DEMAND FOR JURY TRIAL
ROBERT JAMES & ASSOCIATES, INC.,)	
)	
Defendant.)	

VERIFIED COMPLAINT

DIONNE GOMES, ("Plaintiff"), through the undersigned counsel, DANIEL P. HARTSTEIN, alleges the following against ROBERT JAMES & ASSOCIATES, INC., ("Defendant"):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

3. Defendant conducts business in the state of New Jersey, and therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(1).

5. Declaratory relief is available pursuant to 28 U.S.C. 2201 and 2202.

PARTIES

6. Plaintiff is a natural person residing in the City of Freehold, Monmouth County, New Jersey.

7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).

8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.

9. Defendant is a national company, with its corporate office located at: Robert James & Associates, Inc., 461 Ellicott Street, Buffalo, Buffalo County, New York 14203.

10. Defendant, in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

A. DEBT

11. Plaintiff incurred a financial obligation in the approximate amount of \$1,200.00 (the "Debt") to Plaingreen (the "Creditor") in connection with a payday loan.

11. The Debt arose from services allegedly provided by the Creditor which were primarily for family, personal or household purposes and which meets the definition of a "debt" under 15 U.S.C. §1692a(5).

12. The Debt was purchased, assigned or transferred to Robert James & Associates, Inc. for collection, or Robert James & Associates, Inc. was employed by the Creditor to collect the Debt.

13. The Defendant attempted to collect the Debt and, as such, engaged in “communications” as defined in 15 U.S.C. §1692a(2).

B. HARASSMENT AND ABUSIVE TACTICS

14. Defendant constantly and continuously places collection calls to Plaintiff at 212-731-5810 seeking and demanding payment for the alleged debt.

15. Defendant calls Plaintiff from telephone number 877-297-7576 seeking and demanding payment for the alleged debt.

16. Defendant has caused Plaintiff’s work phone to ring and has engaged Plaintiff in telephone conversations repeatedly.

17. Defendant has disclosed information to Plaintiff’s coworkers about the alleged debt.

18. Defendant calls Plaintiff on her work number despite being asked not to do so.

19. Defendant began calling on or about May 2012.

20. Defendant did not send Plaintiff a validation letter.

21. Defendant threatened to disclose information about the alleged debt to her employer’s human resources department.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

22. Defendant violated the FDCPA based on the following:

- a.) Defendant violated §1692c(a)(3) by repeatedly contacting Plaintiff at Plaintiff’s place of employment even though Defendant knew that Plaintiff’s employer prohibits the consumer from receiving such communications.
- b.) Defendant violated §1692d of the FDCPA by engaging in conduct the natural

consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.

- c.) Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.
- d.) Defendant violated §1692c(a)(1) of the FDCPA by communicating with Plaintiff at such place and time known or which should have been known to be inconvenient to Plaintiff.
- e.) Defendant violated §1692g of the FDCPA by failing to send Plaintiff a validation notice within five days of the initial communication.
- f.) Defendant violated §1692g(b) of the FDCPA by continuing with collection attempts on the alleged debt before the debt has been validated.

WHEREFORE, Plaintiff, DIONNE GOMES, respectfully requests judgment be entered against Defendant, ROBERT JAMES & ASSOCIATES, INC., for the following:

- a. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act,
- b. Statutory damages pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
- c. Actual damages,
- d. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k
- e. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, DIONNE GOMES, demands a jury trial in this case.

This 26th day of June, 2012.

/s/ Daniel P. Hartstein

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